

(Appeal of Planning Commission Action)

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 2045A

WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special Permit No. 2045A for authority to amend Hartland's Cardinal Heights 2nd Addition Community Unit Plan to expand the boundary of the CUP by approximately 12 acres and to increase the density from 56 dwelling units to 113, together with requested waivers of requirements in the Zoning Code, Land Subdivision Ordinance and Design Standards to allow the transfer of sanitary sewer from one drainage basin to another, to allow running sanitary sewer opposite street grades, to allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1, to allow lots with less than the minimum required lot width, and to allow lots with less than the minimum required area, on property generally located at N.W. 56th Street and Partridge Lane and legally described as:

Lots 1 through 18, Block 1; Lot 1, Block 2; Lots 1 through 17, Block 3; Lots 1 through 13, Block 4; Lots 1 through 6, Block 5; Lot 1, Block 6; Outlots A, B and C, Hartland's Cardinal Heights 7th Addition; a portion of Lot 23 I.T., located in the Southeast Quarter of Section 13, Township 10 North, Range 5 East; Lancaster County, Nebraska; more particularly described as:

A part of the North Half of the Southeast Quarter of Section 13, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the southeast corner of said North Half and extending thence north 00 degrees 00 minutes 00 seconds east, 1320.16 feet to the East Quarter corner of said Section 13; thence south 89 degrees 56 minutes 40 seconds west, 1090.71 feet; thence 00 degrees 00 minutes 00 seconds west, 555.12 feet; thence north 00 degrees 00 minutes 00 seconds east, 16.40 feet; thence south 00 degrees 00 minutes 00 seconds west, 190.00 feet; thence north 00 degrees 00 minutes 00 seconds east, 6.34 feet; thence south 00 degrees 00 minutes 17 seconds east, 574.07 feet; thence north 89 degrees 59 minutes 43 seconds east,

1 1080.59 feet to the point of beginning, containing 32.84 acres,  
2 more or less;

3  
4 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public  
5 hearing on said application; and

6 WHEREAS, the community as a whole, the surrounding neighborhood, and the real  
7 property adjacent to the area included within the site plan for this amendment to the community  
8 unit plan will not be adversely affected by granting such a permit; and

9 WHEREAS, said site plan together with the terms and conditions hereinafter set forth  
10 are consistent with the comprehensive plan of the City of Lincoln and with the intent and  
11 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
12 general welfare.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
14 Nebraska:

15 That the application of Hartland Homes, Inc., hereinafter referred to as "Permittee", to  
16 amend Cardinal Heights 2nd Addition Community Unit Plan to expand the boundary of the CUP  
17 by approximately 12 acres and to increase the density from 56 dwelling units to 113, together  
18 with waivers of requirements in the Zoning Code, Land Subdivision Ordinance and Design  
19 Standards to allow the transfer of sanitary sewer from one drainage basin to another, to allow  
20 running sanitary sewer opposite street grades, to allow lot depth to width ratio to exceed 3:1 for  
21 Lots 2-27, Block 1, to allow lots with less than the minimum required lot width, and to allow lots  
22 with less than the minimum required area, be and the same is hereby granted under the  
23 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon  
24 condition that construction of said community unit plan be in strict compliance with said  
25 application, the site plan, and the following additional express terms, conditions, and require-  
26 ments:

- 27 1. This approval permits 113 dwelling units and grants the following:

- a. A waiver of the Sanitary Sewer Design Standards § 2.1 to allow the transfer of sanitary sewer from one drainage basin to another.
- b. A waiver of the Sanitary Sewer Design Standards § 3.6 to allow running sanitary sewer opposite street grades.
- c. A waiver of Lincoln Municipal Code § 26.23.140 to allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1.
- d. A waiver of Lincoln Municipal Code § 27.15.080 to allow lots with less than the minimum required lot width.
- e. A waiver of Lincoln Municipal Code § 27.15.080 to allow lots with less than the minimum required area.

2. The City Council must approved the associated requests as follows:

- a. Change of Zone 06046.
- b. Annexation 06011.

3. Final plats within the area of this CUP must be approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The

improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

4. Before the approval of a final plat, the Permittee must enter into an Agreement with the City wherein Permittee as Subdivider agrees:

- a. To complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.
- b. To complete the installation of sidewalks along both sides of the streets as shown on the final plat within four (4) years following the approval of the final plat.
- c. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- d. To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- e. To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- f. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- g. To complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.
- h. To complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
- i. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- j. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- k. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- l. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision

- 1 Ordinance in a timely manner which inadvertently may have been omitted  
2 from the above list of required improvements.
- 3 m. To complete the public and private improvements shown on the  
4 Community Unit Plan.
- 5 n. To submit to the Director of Public Works a plan showing proposed  
6 measures to control sedimentation and erosion and the proposed method  
7 to temporarily stabilize all graded land for approval.
- 8 o. To retain ownership of and the right of entry to the outlots in order to  
9 perform the above-described maintenance of the outlots and private  
10 improvements on a permanent and continuous basis. However,  
11 Subdivider may be relieved and discharged of such maintenance  
12 obligations upon creating in writing a permanent and continuous  
13 association of property owners who would be responsible for said  
14 permanent and continuous maintenance subject to the following  
15 conditions:
- 16 (1) Subdivider shall not be relieved of Subdivider's maintenance  
17 obligation for each specific private improvement until a register  
18 professional engineer or nurseryman who supervised the  
19 installation of said private improvement has certified to the City  
20 that the improvement has been installed in accordance with  
21 approved plans.
- 22 (2) The maintenance agreements are incorporated into covenants  
23 and restrictions in deeds to the subdivided property and the  
24 documents creating the association and the restrictive covenants  
25 have been reviewed and approved by the City Attorney and filed  
26 of record with the Register of Deeds.
- 27 p. To maintain the outlots and private improvements on a permanent and  
28 continuous basis.
- 29 q. To properly and continuously maintain and supervise the private facilities  
30 which have common use or benefit, and to recognize that there may be  
31 additional maintenance issues or costs associated with providing for the  
32 proper functioning of storm water detention/retention facilities as they  
33 were designed and constructed within the development, and that these  
34 are the responsibility of the land owner  
35
- 36 r. To submit to the lot buyers and home builders a copy of the soil analysis.
- 37 s. To comply with the provisions of the Land Preparation and Grading  
38 requirements of the Land Subdivision Ordinance.
- 39 t. To protect the trees that are indicated to remain during construction and  
40 development

- 1 u. To relinquish the right of direct vehicular access from Lots 1-27, Block 1  
2 and Lot 1, Block 2 to NW 56<sup>th</sup> St.
- 3 v. To inform all prospective purchasers and users that the land is located  
4 within the Airport Environs Noise District, that the land is subject to an  
5 aviation and noise easement granted to Lincoln Airport Authority, and  
6 that the land is potentially subject to aircraft noise levels which may affect  
7 users of the property and interfere with its use.

8 5. Before a final plat is approved:

- 9 a. The permittee shall submit a revised site plan including 5 copies showing  
10 the following revisions to the Planning Department office for review and  
11 approval.
- 12 i. Change Cardinal Heights Lane to W. Redberry Lane on Sheets 3-  
13 5.
- 14 ii. Change Cardinal Heights Cir. to NW 58<sup>th</sup> Cir. on sheets 3-5.
- 15 iii. Add "West" to Thatcher Lane on sheets 1-2.
- 16 iv. Add utility easements as required by LES memo of July 20, 2006.
- 17 v. Delete the City Council approval block.
- 18 vi. Delete waiver #1. A waiver to the preliminary plat is not required.
- 19 vii. Delete the R-3 zoning line and the note referencing the R-3 line on  
20 sheet 1.
- 21 viii. Add the following note: This area is located within the Airport  
22 Environs Noise District and is subject to an aviation and noise  
23 easement granted to Lincoln Airport Authority, and that the land is  
24 potentially subject to aircraft noise levels which may affect users  
25 of the property and interfere with its use.
- 26 ix. Add a note relinquishing direct vehicular access to NW 56<sup>th</sup> St.
- 27 x. The future street layout to the west will result in a block length that  
28 exceeds the maximum length. To lessen the block length show a  
29 future street to the west off of the future street.
- 30 xi. Revise the grading plan so the maximum elevation of the main  
31 floor of a building is at or below elevation 1280.
- 32 xii. Revise the utility plan to show the sanitary sewer for lots along W.  
33 Partridge flowing east to NW 58<sup>th</sup> St., or add a note stating that  
34 Lots 7-9, Blk 5 and Lots 2 & 3, Blk 6 shall not be final platted until  
35 they can be served with sanitary sewer from the south.

- 1                           xiii.    Remove the sanitary sewer mains from the future development  
2    area.
- 3                           xiv.    Make corrections to the satisfaction of Public Works and Utilities  
4    Department memo of August 1, 2006.
- 5                           xv.    Provide documentation from the Register of Deeds that the letter  
6    of acceptance as required by the approval of the special permit  
7    has been recorded.
- 8                           b.    Ornamental street lights for private roadways and pedestrian way  
9    easements are approved by L.E.S.
- 10                          c.    The construction plans comply with the approved plans.
- 11                          d.    Grant an avigation and noise easement to the Lincoln Airport Authority on  
12   all or that part of the land located within the Airport Environs Noise  
13   District.
- 14
- 15                          6.    Before occupying the dwelling units all development and construction is to  
16   comply with the approved plans.
- 17                          7.    All privately-owned improvements, including landscaping and recreational  
18   facilities, are to be permanently maintained by the Subdivider or an appropriately established  
19   homeowners association approved by the City.
- 20                          8.    The site plan approved by this permit shall be the basis for all interpretations of  
21   setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
22   matters.
- 23                          9.    The terms, conditions, and requirements of this Resolution shall be binding and  
24   obligatory on Permittee and its successors and assigns.
- 25                          10.   The Permittee shall sign and return the letter of acceptance to the City Clerk  
26   within 60 days following the approval of the special permit, provided, however, said 60-day  
27   period may be extended up to six months by administrative amendment. The City Clerk shall file  
28   a copy of the resolution approving the special permit and the letter of acceptance with the  
29   Register of Deeds, filling fees therefor to be paid in advance by the Permittee.
- 30                          11.   The site plan as approved with this resolution voids and supersedes all  
31   previously approved site plans, however all resolutions approving previous permits remain in  
32   force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor